

**IN THE MICHIGAN COURT OF APPEALS**

**ORDER**

Re: **People v Rodney Fox**  
Docket No. **258260**  
L.C. No. **04-005772-02**

Michael J. Talbot, Judge, acting under MCR 7.217, and MCR 7.219(I), orders:

The motion for reconsideration of the Court's order of March 16, 2005 is GRANTED. The portion of the order that remanded for the appointment of substitute counsel is VACATED. The assessment of costs is reaffirmed, the costs having been paid.

However, the post-judgment motion for a new trial and other relief cannot be considered timely filed under MCR 7.208(B)(1). The time for filing a post-judgment motion under MCR 7.208(B)(1) expired on January 18, 2005.

Nevertheless, under the circumstances, the matter is remanded to vest the trial court with jurisdiction to decide the pending motion for new trial and other relief. The trial court shall decide the pending motion for a new trial and other relief as provided under MCR 7.208(B) and appellant's brief on appeal shall be due as provided under MCR 7.208(B).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

**APR 21 2005**

Date

*Sandra Schultz Mengel*  
Chief Clerk